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BAY AREA AIR POLLUTION CONTROL DISTRICT

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TO: ALL INTERESTED PERSONS
FROM: AIR POLLUTION CONTROL OFFICER
SUBJECT: PUBLIC HEARINGS ON:

1. EXTENSION OF VAPOR RECOVERY NOZZLE EXEMPTION
2. INCREASING OF PERMIT FEES
3. EXTENSION OF AGRICULTURAL BURN PERIODS

On June 21, 1978 the Board of Directors will be holding three public hearings in addition to a continuation of the public hearing on new source review.

The first will be to consider an amendment to Section 1302.2 of Regulation 2 relating to gasoline vapor recovery systems. The proposed amendment would extend until February 28, 1979 the allowance for one pump for unleaded fuel to be equipped with a standard delivery nozzle instead of a vapor recovery nozzle.

The second will be to consider amendments to Division 13 of Regulation 2 relating to permit fees. The proposed amendment would increase the amount of such fees and change the date on which permit renewal fees are required to be paid.

The third would be to consider amendments to Sections 3113 and 3114 of Regulation 1 relating to agricultural fires. The proposed amendments would extend the present burn periods. In addition, it may be proposed to vest discretionary authority in the Board of Directors or the APCO to extend such burn periods when extraordinary weather conditions warrant such extensions.

Copies of the proposed amendments are attached. Your comments would be of assistance to the Board in their consideration of these proposals.

DJC:tmc
Attachments

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AMENDMENTS TO REGULATION 2

Adopted June 15, 1977

§ 1302.2 Authority to Operate—Fuel Tanks and Pumps for Servicing Motor Vehicles. After October 1, 1974, no person shall operate any gasoline station, or fuel tank, or pump for the servicing of motor vehicles, unless he shall first have obtained written authorization for such operation from the Air Pollution Control Officer. The Air Pollution Control Officer shall not deny authorization for such operation if a vapor recovery system for bulk fuel delivery is installed which reduces emissions from that source by at least 90%, and the permit is further conditioned upon the installation of a vapor recovery system for delivery of fuel to motor vehicle tanks which reduces emissions from that source by at least 90%, upon notification by the Air Pollution Control Officer that such a system is or can be made commercially available, and in any event not later than January 1, 1976. The piping and other equipment required for the vapor recovery system for delivery of fuel to motor vehicle tanks, with the exception of the nozzle, shall be installed prior to July 1, 1975.

All systems so installed shall be maintained in good operating condition. Failure to maintain all such systems in good operating condition shall be a violation of this section 1302.2.

If it is demonstrated to the satisfaction of the Air Pollution Control Officer that it is impractical to comply with the requirements of 90% vapor recovery for delivery of fuel to motor vehicle tanks as a result of vehicle fill neck configuration, location, or other design features for a class of vehicles, the provisions of this section for 90% vapor recovery for delivery of fuel to vehicle tanks shall not apply to such class of vehicles. However, in no case shall such design features exempt any gasoline dispensing facility servicing motor vehicles from installing and using a vapor recovery system required by this section.

The Air Pollution Control Officer shall not deny an authority to construct and or operate one pump using a standard delivery nozzle at each service station for the delivery of unleaded fuel to those model vehicles which cannot be fueled by a vapor recovery nozzle. Any such authority to operate shall expire when the APCO has determined that adequate vapor recovery nozzles are available to service such vehicles but in no case later than ~~June 30, 1978~~ February 28, 1979.

Topping off of motor vehicle fuel tanks shall be prohibited and shall be deemed to be a violation of this Section. Topping off is defined in Section 2013.4 of Regulation 2. (*Adopted February 15, 1973; amended December 20, 1973; June 27, 1974; November 13, 1974; January 7, 1976; February 4, 1976, June 16, 1976, June 15, 1977.*)

PROPOSED AMENDMENTS TO
DIVISION 13, REGULATION 2

PERMIT FEES AND PERMITS TO OPERATE

§1317 Fees. Effective date of §1317 through 1317.94 shall be the date of adoption. Every applicant for an Authority to Construct or a Permit to Operate shall pay the fees as prescribed in sections 1317.8.

1317.1 Any federal, state or local governmental agency or public district is exempt from paying the permit fees prescribed in sections 1317.8.

1317.2 The total amount of the fee as determined in section 1317.8 shall be submitted to the Bay Area Air Pollution Control District with the application for an Authority to Construct or a Permit to Operate for any new or modified source.

1317.3 Every applicant for a Permit to Operate a source in existence on or before July 1, 1977 shall be required to pay a fee for each source contained in the application in the amount prescribed in Section 1317.8. For those sources in existence on or before July 1, 1977, Permits to Operate shall be applied for each source according to the following schedule:

- A. On or before July 1, 1977 any person who operates a facility causing emissions in excess of 500 tons per year of any air contaminant for which there is a National or California Ambient Air Quality Standard.
- B. On or before July 1, 1978 any person who operates a facility causing emissions in excess of 100 tons per year of such contaminants.

- C. On or before July 1, 1979 any person who operates a facility causing emissions in excess of 25 tons per year of such air contaminants.
- D. On or before July 1, 1980 any person who operates a facility causing emissions in excess of 0.5 tons per year of such air contaminants.

Permits to Operate required by this section shall be issued by the Air Pollution Control Officer within a reasonable period of time after payment of the required fees. The 60 day requirement for action on permits required under Section 1306 shall not be applicable to permits issued under this Section 1317.3

- 1317.4 After submission of an application for a Permit to Operate for sources in existence on or before July 1, 1977, the applicant shall be notified, in writing, of the fee to be paid for the processing of the Permit to Operate. Non-payment of the fee after 60 days of the date of the notice shall result in the denial of the permit.
- 1317.5 A fee of \$20.00 shall be paid for a duplicate Permit to Operate.
- 1317.6 A fee of \$20.00 \$120.00 shall be paid for a Permit to Operate or an Authority to Construct re-issued because of transfer of ownership.
- 1317.7 An annual renewal fee of \$20.00 \$120.00 for each Permit to Operate shall be paid on or before the anniversary date of the first fee-paid APPLICATION FILED for a Permit to Operate PERSUANT TO §1317-1317.94, and shall be submitted with such information as may be required by the Air Pollution Control Officer concerning emissions from the permitted source.
- 1317.8 Fees
The following fees shall be paid for the processing of an

application for an Authority to Construct or a Permit to Operate for all sources. Each source shall be required to have a separate authority to construct and a separate permit to operate. (Sources which are in existence prior to July 1, 1977 shall be required to pay fees in accordance with the time schedule shown in Section 1317.3.)

- a) A fee of ~~\$100.00~~ \$600.00 shall be paid for each source in an application for an Authority to Construct for any new source or for the modification of an existing source which does not have a Permit to Operate.
- b) A fee of ~~\$40.00~~ \$240.00 shall be paid for each source in an application for an Authority to Construct for the modification of a source which has an existing Permit to Operate.
- c) A fee of ~~\$20.00~~ \$120.00 shall be paid for each source in an application for a Permit to Operate.

1317.9 Definitions.

1317.91 Facility for purposes of Sections 1317 through 1317.8 means any operation or group of operations under the control of a person, so interrelated as to constitute a business operation in the commonly accepted sense; examples of facilities include, but are not limited to, refineries, cement plants, manufacturing plants, chemical plants, furniture manufacturing plants, paint manufacturing plants, brewerries, auto assembly plants and the like.

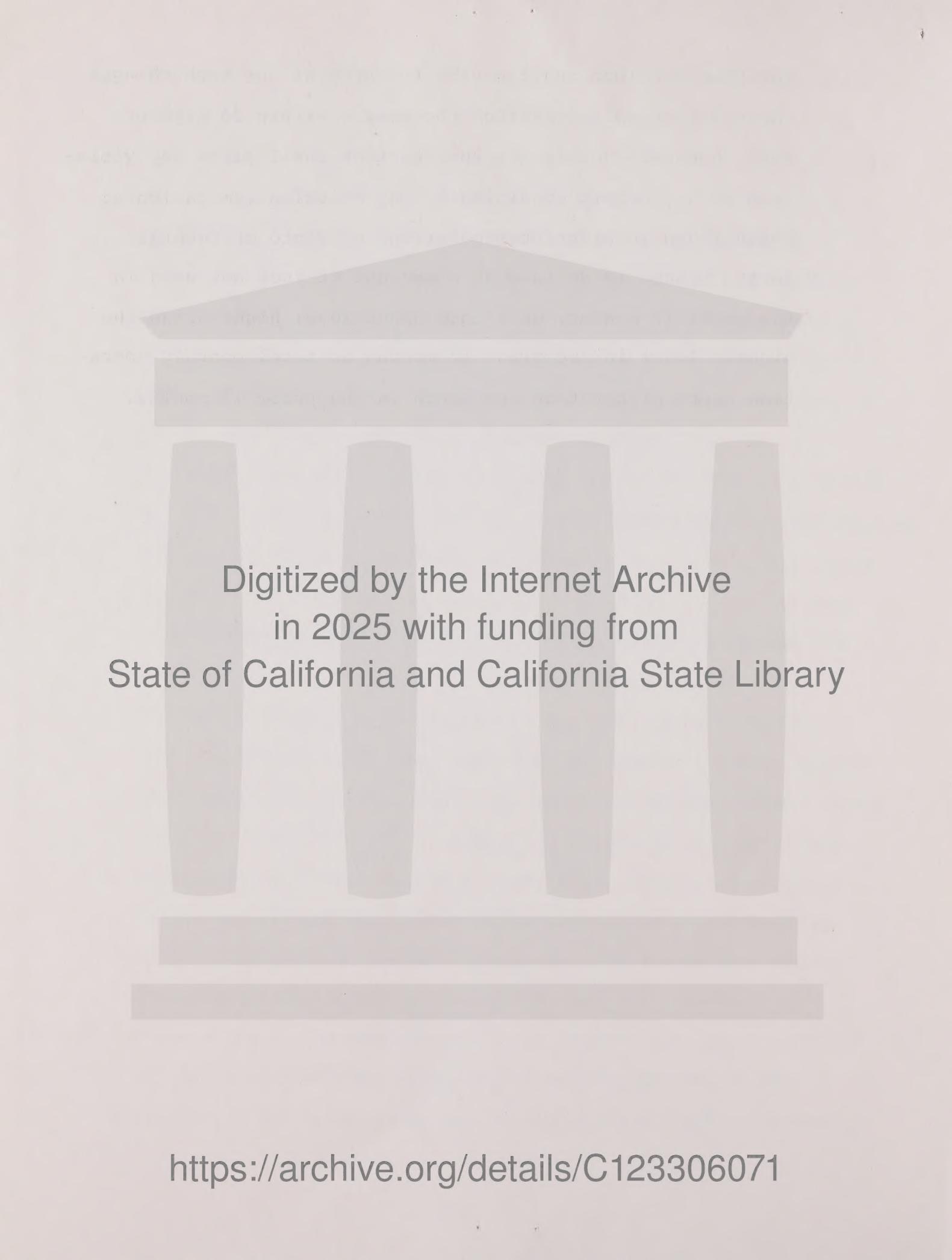
1317.92 For purposes of Sections 1317 through 1317.8 source means the equipment used to perform the operations preceding the emission of an air contaminant, which operation's (a) result in the separation of the air contaminant from the process

materials or in the conversion of the process materials into air contaminants, as in the case of combustion of fuel; or (b) Effectively determine or substantially affect the quantity of air contaminant that is emitted, such as a reactor in a fluid bed catalytic cracking unit or a sulfur burner in a sulfuric acid plant; and (c) Are not air pollution control operations. Sources which are exempted in 1316 from permit requirements, and nozzles used to deliver fuel, are excluded from this definition. A group of tanks, each one of which is no larger than 57 cu. meter (15,000 gallons) that is an integral part of a single operation, such as tanks in gasoline service stations, constitutes a single source by this definition.

1317.93 For sources in existence on or before July 1, 1977, for which no previous authority to construct or permit to operate has been issued, a single permit to operate shall be issued for all the equipment covered by the definition of source in Section 1317.92. With respect to any such permit to APCO may require from the applicant for, or holder of, such permit only such information, analyses, plans or specifications which will disclose the nature, extent, quantity or degree of air contaminants which are, or may be, discharged by the source. If the Applicant feels that trade secrets are unreasonably being requested by the APCO, then that Applicant may appeal directly to the Board of Directors.

1317.94 After a permit to operate has been issued, changes in hours of operation, process materials or throughput shall not require a new application for a permit to operate. However,

the permit holder shall advise the APCO of any such changes which affect emissions from the source within 30 days of such changes. Nothing in this section shall allow any violation of any permit condition or any emission limitation as established in District regulations or state or federal laws. Change is defined as a process or fuel not used in the prior 12 months, or a throughput level higher than the highest level in the prior 12 months or total monthly operation hours higher than any month in the prior 12 months.



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BAY AREA AIR POLLUTION CONTROL DISTRICT
PROPOSED AMENDMENTS TO REGULATION 1

§3113 Crop Replacement. Agricultural fires set or permitted by the public officer having jurisdiction in the performance of official duty, necessary to establish an agricultural crop in a location which formerly contained another type of agricultural crop or natural growth, during a period between October 1 and ~~April 30~~ and June 30.

§3114 Orchard Pruning and Attrition. Agricultural fires set or permitted by the public officer having jurisdiction in the performance of official duty, necessary to maintain and continue the growing of fruit and nut trees, vineyards and cane fruits, as a gainful occupation, for the purpose of disposal of periodic prunings and attrition losses from fruit and nut trees, vineyards and cane fruits, during a period beginning ~~December 1 and ending April 30~~ and November 1 and ending June 30.

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